REMARKS

This communication responds to the Office Action mailed September 27, 2007. Claim 1 was originally filed and remains pending as amended to further define the present invention. Claim 2 was previously filed and remains unchanged from that version.

NON-STATUTORY PROVISIONAL DOUBLE PATENTING

The Examiner provisionally rejected claims 1-2 on the ground of non-statutory double patenting over claim 1 of U.S. Patent Application No. 10,627,873. The Applicant will address this rejection by filing a terminal disclaimer should claim 1 and 2 be found to be otherwise allowable and the conflicting claims of U.S. Patent Application No. 10/627,873 be patented. A rejection based on a non-statutory type of double patenting can be avoided by filing a terminal disclaimer in the application or proceeding in which the rejection is made. *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Knohl*, 386 F.2d 476, 155 USPQ 586 (CCPA 1967); and *In re Griswold*, 365 F.2d 834, 150 USPQ 804 (CCPA 1966).

CLAIM 1 IS PATENTABLE OVER MAGGIONCALDA ET AL.

The Examiner rejected claims 1-2 under 35 U.S.C. § 102(b) in view of U.S. Patent No. 5,918,217 to Maggioncalda et al. [hereinafter "Maggioncalda et al."]. It appears that the Examiner contends Maggioncalda et al. discloses all of the elements of claim 1. The Applicant traverses this rejection and respectfully disagrees with the Examiner's characterization of this reference vis-à-vis claim 1.

Claim 1 as amended includes several limitations not found in Maggioncalda et al. For example, claim 1 recites "transmitting ... a portfolio trading order ... to implement an adjusted

portfolio ..." in combination with "adjusting a desired risk-return characteristic of said selected portfolio by adjusting a risk- return pointer using a graphical user interface device." These limitations are neither set forth in Maggioncalda et al. nor made obvious by Maggioncalda et al. Reconsideration and withdrawal of the rejection of claims 1-2 is therefore respectfully requested.
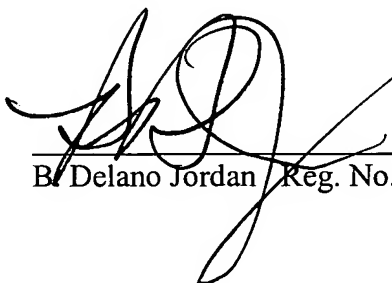
CONCLUSION

Reconsideration and withdrawal of all of the rejections are requested in view of the previous remarks. The Applicants respectfully submit this Application is in condition for allowance and request issuance of a Notice of Allowance.

If additional amounts are due for any reason it is respectfully requested that the PTO charge any deficiency or credit any overpayment to the deposit account of KENYON & KENYON LLP, Deposit Account No. 11-0600.

In the event the prosecution of this application can be efficiently advanced by a phone discussion, it is requested that the undersigned attorney be called at (202) 220-4200.

Respectfully submitted,

Date: March 14, 2008

By Delano Jordan / Reg. No. 43,698

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
(202) 220 - 4200 (telephone)
(202) 220 - 4201 (facsimile)